



October 18, 1999

Mr. Yuri A. Calderon
Bracewell & Patterson, L.L.P.
South Tower Pennzoil Place
711 Louisiana, Suite 2900
Houston, Texas 77002-2781

OR99-2951

Dear Mr. Calderon:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128135.

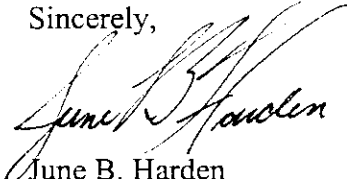
The Houston Community College (the "college") received a request for "copies of electronic mail between the nine trustees for a period of 30 days - June 10 to July 10." You state that the requested information may be excepted from disclosure under sections 552.101, 552.102, 552.103, 552.104, 552.105, 552.106, 552.107, 552.109, 552.110, 552.111, 552.114, 552.116, 552.117, and 552.127 of the Government Code.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. You did not submit the information required under section 552.301(b). Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated September 23, 1999, that you had failed to submit the information required by section 552.301(b). We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue was presumed public.

As of the date of this letter you have not provided our office with the information we requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request for information is presumed to be public information. Information that is presumed public must be released unless a governmental body demonstrates a compelling interest to withhold the information to overcome this presumption. *See Hancock v. State Bd. of Ins.*, 797 S.W.2d 379, 381-82 (Tex. App.--Austin 1990, no writ) (governmental body must make compelling demonstration to overcome presumption of openness pursuant to statutory predecessor to section 552.302); Open Records Decision No. 319 (1982). *See, e.g.*, Open Records Decision No. 150 (1977) (presumption of openness overcome by showing that information is made confidential by another source of law or affects third party interests). In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, the requested information must be released. Open Records Decision No. 195 (1978).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden

Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 128135

cc: Ms. Terri Langford
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Houston, Texas 77060